

**W A R R A N T**  
**THE COMMONWEALTH OF MASSACHUSETTS**  
**ESSEX, SS.**

To Either of the Constables of the Town of Andover

Greeting:

In the name of the Commonwealth you are hereby required to notify and warn the Inhabitants of said Town who are qualified to vote in Town Affairs to meet and assemble at the J. Everett Collins Center Auditorium, Andover High School, Shawsheen Road, in said Andover, on

**MONDAY, THE FOURTH DAY OF MAY, 2015**

at seven o'clock P.M. to act upon the following articles:

**Annual Town Election**

**ARTICLE 1.** Annual Town Election: Moderator for one year, two Selectmen for three years, two School Committee members for three years, one School Committee member for one year, one Andover Housing Authority member for five years and two Punchard Free School Trustees for three years.

**Election Not Required by Ballot**

**ARTICLE 2.** To elect all other officers not required by law to be elected by ballot, or take any other action related thereto.

On request of the Town Clerk

**Salaries of Elected Officials**

**ARTICLE 3.** To establish the salaries of the elected officers for the ensuing year, or take any other action related thereto.

On request of the Town Clerk

**FY-2016 Budget**

**ARTICLE 4.** To see if the Town will vote to determine what sums of money the Town will raise and appropriate, including appropriations from available funds, to defray charges and expenses of the Town, including debt and interest, and to provide for a reserve fund for the Fiscal Year beginning July 1, 2015 and ending June 30, 2016, or take any other action related thereto.

On request of the Town Manager

### **FY-2016 Capital Projects Fund Appropriation**

**ARTICLE 5.** To see if the Town will vote to raise by taxation and appropriate the sum of \$2,450,000 for the purpose of funding the Fiscal Year 2016 appropriation for the Capital Projects Fund, or take any other action related thereto.

On request of the Town Manager

### **Budget Transfers**

**ARTICLE 6.** To see if the Town will vote to transfer from amounts previously appropriated at the 2014 Annual Town Meeting as authorized by MGL Chapter 44, Section 33B, or take any other action related thereto.

On request of the Finance Director

### **Supplemental Budget Appropriations**

**ARTICLE 7.** To see if the Town will vote to transfer from available funds a sum of money to supplement appropriations voted at the May 2014 Annual Town Meeting, or take any other action related thereto.

On request of the Finance Director

### **Stabilization Fund**

**ARTICLE 8.** To see if the Town will vote to appropriate and raise from taxation or available funds a sum of money to the Stabilization Fund in accordance with MGL Chapter 40, Section 5B, as amended by Chapter 46, Sections 14 and 50 of the Acts of 2003, or take any other action related thereto.

On request of the Town Manager

### **Free Cash**

**ARTICLE 9.** To see what amount the Town will vote to permit the Assessors to use in Free Cash to reduce the Fiscal Year 2016 tax rate and to affect appropriations voted at the 2015 Annual Town Meeting, or take any other action related thereto.

On request of the Finance Director

## **Unexpended Appropriations**

**ARTICLE 10.** To see what disposition shall be made of unexpended appropriations and free cash in the treasury, or take any other action related thereto.

On request of the Finance Director

## **General Housekeeping Articles**

**ARTICLE 11.** To see if the Town will vote the following consent articles, or take any other action related thereto:

### **A. Grant Program Authorization**

To see if the Town will vote to authorize the Board of Selectmen and/or the Town Manager to apply for, accept and enter into contracts from time to time for the expenditure of any funds allotted to Andover by the Commonwealth of Massachusetts or the U. S. Government under any State or Federal grant program, or take any other action related thereto.

On request of the Town Manager

### **B. Road Contracts**

To see if the Town will vote to authorize the Town Manager to enter into a contract with the Massachusetts Highway Department Commissioners or the Federal Government for the construction and maintenance of public highways in the Town of Andover for the ensuing year, or take any other action related thereto.

On request of the Town Manager

### **C. Town Report**

To act upon the report of the Town officers, or take any other action related thereto.

On request of the Town Manager

### **D. Property Tax Exemptions**

To see if the Town will vote to accept the provisions of Section 4, Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988 to allow an additional property tax exemption for Fiscal Year 2016 for those persons who qualify for property tax exemptions under Massachusetts General Laws Chapter 59, Section 5, or take any other action related thereto.

On request of the Board of Assessors

E. **Contracts in Excess of Three Years**

To see if the Town will vote in accordance with the provisions of Massachusetts General Laws Chapter 30B, Section 12(b), to authorize the Town Manager or the Superintendent of Schools to solicit and award contracts for terms exceeding three years but no greater than five years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interest of the Town by a vote of the Board of Selectmen or the School Committee, as appropriate, or take any other action related thereto.

On request of the Town Manager

F. **Accepting Easements**

To see if the Town will vote to authorize the Board of Selectmen and the School Committee to accept grants of easements for streets, water, drainage, sewer and utility purposes or any public purpose on terms and conditions the Board and the Committee deem in the best interests of the Town, or take any other action related thereto.

On request of the Town Manager

G. **Rescinding of Bond Authorizations**

To see if the Town will vote to rescind unissued bond authorizations from prior Town Meetings, or take any other action related thereto.

On request of the Finance Director

**Granting Easements**

**ARTICLE 12.** To see if the Town will vote to authorize the Board of Selectmen and the School Committee to grant easements for water, drainage, sewer and utility purposes or any public purpose on terms and conditions the Board and the Committee deem in the best interests of the Town, or take any other action related thereto.

On request of the Town Manager

**Unpaid Bills**

**ARTICLE 13.** To see if the Town will vote to transfer from available funds a sum of money to pay unpaid bills for which obligation was incurred in prior fiscal years, or take any other action related thereto.

On request of the Town Accountant

## **Chapter 90 Authorizations**

**ARTICLE 14.** To see if the Town will vote to authorize the Town to acquire any necessary easements by gift, by purchase or by right of eminent domain for Chapter 90 Highway Construction or any other federal or state aid program for road or sidewalk improvements, or take any other action related thereto.

On request of the Town Manager

## **Jerry Silverman Fireworks**

**ARTICLE 15.** To see if the Town will vote to appropriate and raise by taxation or available funds the amount of \$14,000 for the Jerry Silverman Fireworks Program as part of the Fourth of July festivities, or take any other action related thereto.

On request of the Town Manager

## **Town Meeting Electronic Voting**

**ARTICLE 16.** To see if the Town will vote to appropriate a sum of money not to exceed \$35,000 for the implementation of a system to enable electronic voting by individuals using wireless handheld mobile devices at future Town Meetings, beginning with the 2016 Annual Town Meeting, and to raise said sum by taxation, by transfer of available funds, by borrowing or by any combination of the foregoing, and to take any other action related thereto.

On petition of Trudie Hale and others

## **FY-2016 Revolving Accounts**

**ARTICLE 17.** To see if the Town will vote to authorize the following revolving funds for certain Town departments under Massachusetts General Laws, Chapter 44, Section 53E½ for the fiscal year beginning July 1, 2015, or take any other action related thereto:

<b>Revolving Fund</b>	<b>Authorized to Spend</b>	<b>Use of Fund</b>	<b>Revenue Source</b>	<b>FY-2016 Limit</b>
A. Community Development & Planning Department	Division Heads	Advertising legal hearing notice expenses for permit applications	Applicant Fees	\$20,000

B. Memorial Hall Library-Lost/Damaged Materials	MHL Director	Replacement of lost/damaged library materials	Restitution payments /charges to borrower or patron	\$20,000
C. Health Clinic	Public Health Director	Clinic supplies and other expenses	Clinic participant fees	\$45,000
D. Division of Community Services	Community Services Director	Trips, ticket sales and special programs and activities	Participant fees	\$625,000
E. Division of Youth Services	Youth Services Director	All programs and activities expenses, part-time help	Participant fees	\$400,000
F. Field Maintenance	Plant and Facilities Director	Field maintenance, upgrade and related expenses	Field rental fees	\$100,000
G. Division of Elder Services	Elder Services Director	Senior programs, classes and activities	Participant fees	\$225,000
H. Police Communications	Chief of Police	Maintenance and purchase of public safety radio and antennae equipment	Lease agreements for antenna users	\$50,000
I. School Photocopy Fees	School Dept.	Photocopy Center Costs	External Private Groups	\$10,000
J. Compost Program	Municipal Services – Plant & Facilities Director	Offset Compost Monitoring and Cleanup Expenses	Contractor permit fees, revenues from sale of compost	\$60,000
K. Solid Waste	Municipal Services – Public Works Director	Offset Trash & Recycling Costs	CRT, HHW & Trash fees	\$40,000
L. Stormwater Management	Planning Director	Consulting and environmental monitoring of Stormwater Management applications and permits	Applicant	\$5,000

M. Fire Rescue	Fire Chief	Training and Equipment	Service Fees	\$100,000
N. Health Services	Public Health Director	Health Dept. Inspections	Inspection Fees	\$75,000

On request of the Finance Director

### **Elderly/Disabled Transportation Program**

**ARTICLE 18.** To see if the Town will vote to appropriate and raise by taxation a sum not to exceed \$12,000 for the purpose of continuing to provide for an elderly and disabled transportation subsidy program, or take any other action related thereto.

On request of the Council on Aging

### **Support for Civic Events**

**ARTICLE 19.** To see if the Town will vote to appropriate and raise by taxation or transfer from available funds a sum not to exceed \$5,000 for the purpose of paying a portion of the municipal costs associated with civic events in the downtown, or take any other action related thereto.

On request of the Town Manager

### **Spring Grove Cemetery Maintenance**

**ARTICLE 20.** To see if the Town will vote to transfer the sum of \$6,000 from the Spring Grove Cemetery Perpetual Care reserve account and appropriate the sum of \$6,000 for the purpose of cemetery maintenance including costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Municipal Services

### **Free Cash to OPEB Trust Fund**

**ARTICLE 21.** To see if the Town will vote to transfer the sum of \$1,248,316 from Free Cash and appropriate to the Other Post Employment Benefits Trust Fund established under the provisions of Chapter 479 of the Acts of 2008, or take any other action related thereto.

On request of the Finance Director

### **Free Cash Ledge Road Landfill Stabilization Fund**

**ARTICLE 22.** To see if the Town will vote to transfer the sum of \$1,000,000 from Free Cash and appropriate to the Ledge Road Landfill Stabilization Fund for the purpose of paying costs associated with the closing of the Ledge Road Landfill, or take any other action related thereto.

On request of the Finance Director

### **Free Cash to the Bond Premium Stabilization Fund**

**ARTICLE 23.** To see if the Town will vote to transfer the sum of \$768,000 from Free Cash and appropriate to the Bond Premium Stabilization Fund for the purpose of paying principal and interest on non-exempt outstanding debt, or take any other action related thereto.

On request of the Finance Director

### **Stabilization Fund Bond Premium**

**ARTICLE 24.** To see if the Town will vote to transfer the sum of \$ 200,000 from the Bond Premium Stabilization Fund to the General Fund to offset non-exempt debt interest payments, or take any other action related thereto.

On request of the Finance Director

### **High School Library/Media Center Renovations**

**ARTICLE 25.** To see if the Town will vote to appropriate \$1,950,000 for the purpose of paying costs of design services for the preparation of plans, specifications, working drawings, bid documents and construction associated with Library/Media renovations at the Andover High School located at 80 Shawsheen Road, and for the payment of all other costs incidental thereto; and that to meet this appropriation, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under and pursuant to Chapter 44, Section 7, Clause (3A) of the Massachusetts General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefore, or take any other action related thereto.

On request of the School Committee



### **Andover High School Library/Media Center Renovations**

**ARTICLE 26.** To see if the town will vote to appropriate \$1,950,000 for the purpose of paying costs of design services for the preparation of plans, specifications, working drawings, bid documents (estimated at \$209,000) and construction (estimated at \$1,741,000) associated with Library/Media Center renovations at the Andover High School located at 80 Shawsheen Road, and for the payment of all other costs incidental and related thereto; and that to meet this appropriation, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under and pursuant to Chapter 44, Section 7, Claus (3A) of the Massachusetts General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefore, or take any other action related thereto.

On petition of Shannon Scully and others

### **Zoning Amendment - Table of Use Regulations for Medical Center or Clinic**

**ARTICLE 27.** To see if the Town will amend **APPENDIX A TABLE 1 Section 3.1.3 Table of Use Regulations** by amending 9. Medical center or clinic from:

	Residential Districts				Business Districts				Industrial Districts			
	SRA	SRB	SRC	APT	LS	OP	GB	MU	IG	IA	ID	ID2
9. Medical center or clinic	N	N	N	N	BA	BA	Y	Y	Y	N	N	Y

to read as follows:

	Residential Districts				Business Districts				Industrial Districts			
	SRA	SRB	SRC	APT	LS	OP	GB	MU	IG	IA	ID	ID2
C. Business and Commercial Uses												
9. Medical center or clinic	N	N	N	N	Y	Y	Y	Y	Y	Y	N	Y

And further that non-substantive change to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Andover Code of By-laws, or take any other action related thereto.

On request of the Director of Planning

### **Relocation of Easement – 28 Foster Circle**

**ARTICLE 28.** To see if the Town will vote to authorize the Board of Selectmen to accept the grant of that certain easement, containing 3,343 square feet, more or less, on property now or formerly of Emily DeFusco Perkins, shown as “Proposed Drainage Easement” on Plan of Land entitled “Plan of Easement Relocation #28 Foster Circle, Andover, Mass.,” Prepared for Town of Andover, Date: January 8, 2015, Scale 1” = 20’, by Andover Consultants, Inc. which plan is on

file with the Town Clerk's Office on terms and conditions the Board of Selectmen deem in the best interest of the Town and to pay no monetary consideration therefore, and to authorize the Board of Selectmen, upon acceptance of said "Proposed Drainage Easement" by the Board of Selectmen, to abandon that portion of an existing 20' wide drainage easement conveyed to the Town by instrument recorded at North Essex District Registry of Deeds in Book 866, Page 92 containing 3,393 square feet, more or less, on said property shown as "Existing 20' Wide Drainage Easement To Be Abandoned (Bk. 866, Pg. 92)" one said Plan, or take any other action related thereto.

On request of the Director of Municipal Services

### **Public Safety Communications Upgrades**

**ARTICLE 29.** To see if the Town will vote to raise by taxation, transfer from available funds, borrowing or by any combination thereof and appropriate the sum of \$150,000 for the purposes of providing public safety communications upgrades, including any other costs incidental and related thereto, or take any other action related thereto.

On request of the Fire Chief

### **Highway Vehicles**

**ARTICLE 30.** To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$175,000 for the purpose of purchasing public works vehicles, including any other costs incidental and related thereto, or to take any other action related thereto.

On request of the Director of Municipal Services

### **Town and School Energy Initiatives**

**ARTICLE 31.** To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$337,000 for the purpose of paying the costs of various electrical, heating, ventilation and air conditioning replacements and upgrades to town and school facilities, including any other costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Municipal Services

## **Zoning Bylaw Amendment – Assistant Living Residence**

**ARTICLE 32.** To see if the Town will vote to amend Article VIII, Section 7.4.3 (Assisted Living Residences — Dimensional Requirements and Design Standards) of the Zoning By-Law as follows:

In Section 7.4.3.2 by inserting “In MU and GB districts,” at the beginning of the first full sentence, by changing “3,000 square feet” to “1,500 square feet” in that sentence, and by adding a new sentence at the end of this section “In SRA and SRB districts, the maximum allowable density shall be 6,000 square feet of lot area per assisted living unit.” To read as follows:

Section 7.4.3.2 Density. In MU and GB districts, the maximum allowable density shall be 1,500 square feet of lot area per assisted living unit. In SRA and SRB districts, the maximum allowable density shall be 6,000 square feet of lot area per assisted living unit.

In Section 7.4.3.3 by inserting “In MU and GB districts,” at the beginning of the first full sentence and by adding a new sentence before the last sentence of this section “In SRA and SRB districts, any addition or new construction shall not exceed 25 feet in height as measured in accordance with the State Building Code or two stories.” To read as follows:

Section 7.4.3.3 Building Height. In MU and GB districts, any addition or new construction shall not exceed 35 feet in height as measured in accordance with the State Building Code or three stories. In SRA and SRB districts, any addition or new construction shall not exceed 25 feet in height as measured in accordance with the State Building Code or two stories. This does not preclude the reuse and renovation of existing structures which may exceed this height limit.

In Section 7.4.3.5 by adding “and 100 feet from existing ways and streets” at the end of the first sentence of this section. To read as follows:

Section 7.4.3.5 Building Setbacks. In the SRA and SRB Districts, buildings shall be set back a minimum of 50 feet from all property lines and 100 feet from existing ways and streets. In the MU District, the building setback will be 20 feet. Buildings in the GB District shall be setback as required in Section 4.1.4.2.b of this by-law.

And further that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Andover Code of By-laws, or take any other action related thereto.

On petition of Mark J. Bernardin and others

### **Zoning Bylaw Amendment – Long-term Care Facilities**

**ARTICLE 33.** To see if the Town will vote to amend Article VIII, Section 7.4.6 (Long-term Care Facilities Dimensional Requirements and Design Standards) of the Zoning By-Law by deleting Section 7.4.6 and replacing it with the following:

7.4.6 Long-term Care Facilities — Dimensional Requirements and Design Standards.

The Dimensional Requirements and Design Standards for assisted living residences found in Section 7.4.3 shall apply.

For purposes of interpreting this Section 7.4.6, where Section 7.4.3 uses the term "Assisted Living Unit," the term "Long-Term Care Unit" shall be substituted.

And further to amend Article VIII, Section 10.0 (Definitions) of the Zoning By-Law to add the following definition:

Long-Term Care Unit. A room in a Long-Term Care Facility designed for and occupied by one or two elderly individuals as the living quarters of such individuals.

And further that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Andover Code of By-laws, or take any other action related thereto.

On petition of Mark J. Bernardin and others

### **Zoning Bylaw Amendment – Congregate Living Facility**

**ARTICLE 34.** To see if the Town will vote to amend Article VIII, Section 10.0 DEFINITIONS of the Zoning Bylaw by deleting the last grammatical sentence of the definition of CONGREGATE LIVING FACILITY and replacing it with the following:

“The facility shall not consist of separate dwelling units and each resident shall have an individual bedroom but shall share, with other residents of the facility, one or more of the following: kitchen facilities, dining facilities, and/or bathing facilities.”

and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Andover Code of Bylaws or take any other action related thereto.

On petition of Heather H. Lauten and others

### **Shawsheen School**

**ARTICLE 35.** To see if the Town will vote to petition the Legislature for a Special Act authorizing the change of use of the Shawsheen School and the land conveyed in a 1923 deed from the American Woolen Company to the Town for said school, to be changed from school purposes to general municipal purposes, including but not limited to school and town administrative offices, under the care, custody and control of the Board of Selectmen, provided that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition, or take any other action related thereto.

On the request of the Town Manager

### **Office Space Feasibility Study – Shawsheen School**

**ARTICLE 36.** To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$130,000 for the purpose of paying the costs of an office space and reuse study for the Shawsheen School, including any other costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Municipal Services

### **Andover High School Track Replacement**

**ARTICLE 37.** To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$250,000 for the purpose of paying the costs of track replacement at the Andover High School, including any other costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Municipal Services

### **Safety & Security Communications Upgrades**

**ARTICLE 38.** To see if the Town will vote to raise by taxation, transfer from available funds, borrowing or by any combination thereof and appropriate the sum of \$600,000 for the purposes of paying the costs of safety and security communications upgrades in and connecting to school and municipal facilities, including any other costs incidental and related thereto, or take any other action related thereto.

On request of the Chief Information Officer

### **School Building Maintenance and Renovation**

**ARTICLE 39.** To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination and appropriate the sum of \$455,000 for the purpose of paying the costs of constructing, adding to, remodeling, reconstructing and making extraordinary repairs to and equipping various school buildings and roofs, including any other costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Municipal Services

### **School Site Improvements – West Elementary School**

**ARTICLE 40.** To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$319,000 for the purpose of paying for the design and engineering services for making school site safety, circulation, drainage and infrastructure improvements at the West Elementary School, including any other costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Municipal Services

### **Annual Computer Workstation & Laptop Replacement Program**

**ARTICLE 41.** To see if the Town will vote to raise by taxation and transfer from available funds (Cable Franchise Fee account) the sum of \$402,393 for the purpose of leasing Town and School administrative and teacher computer workstations and laptops, including any costs incidental and related thereto, or take any other action related thereto.

On request of the Chief Information Officer

### **Amend Dimensional Requirements in Industrial 2 Zoning District**

**ARTICLE 42.** To see if the Town will vote to amend Appendix A Table 2 Section 4.1.2 - Table of Dimensional Requirements by amending Maximum Height from 3 stories to 4 stories as follows:

APPENDIX A TABLE 2 Section 4.1.2 – Table of  
Dimensional Requirements

District	Minimum Lot Dimensions (e)		(f) Minimum Yard Depth			Maximum Height (g)		Maximum Coverage Including
	Area	Frontage	Front	Side	Rear	Feet	Stories	

	(square feet)	e (feet)	t (feet)	(feet)	(feet)			Accessory Building (percent)
Industrial D 2 (j)	--	50	50	40	40	50	4	30 (b)

And further that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Andover Code of By-laws, or take any other action related thereto.

### **Balmoral Dam Removal**

**ARTICLE 43.** To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain for the purpose of removing the Existing Balmoral Dam, on terms and conditions deemed by the Board of Selectmen to be in the best interests of the Town the property located at Balmoral Street and Haverhill Street known as the Existing Balmoral Dam, as shown on a plan entitled “Proposed Easement and Taking Plan of Land in Andover, MA, Date: January 19, 2012,” drawn by A.C. Nelson Cartography, Burlington, Massachusetts 01803-0139, on file with the Town Clerk’s Office, which property is more particular described as follows:

Property shown on said plan as “Existing Balmoral Dam, Owned by Milliken & Company, Taking Area 921.6 square feet,” and to pay no damages for said property,

and to petition the Legislature for a Special Act authorizing the town to take said Dam by eminent domain as may be required by Massachusetts General Laws Chapter 79, Section 5A, provided that the Legislature may reasonably vary the form and substance of the requested legislation within the general public objectives of the petition, or take any other action related thereto.

On the request of the Conservation Commission

### **Minor Storm Drain Improvements**

**ARTICLE 44.** To see if the Town will vote to raise by taxation, transfer from available funds, borrowing or by any combination thereof and appropriate the sum of \$300,000 for the purpose of paying the costs of minor storm drain improvements, including any other costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Municipal Services

### **Sidewalk Construction – Woburn Street**

**ARTICLE 45.** To see if the Town will vote to appropriate the sum of \$113,000 for the purpose of constructing a sidewalk on Woburn Street, and obtaining necessary easements including any other costs incidental and related thereto, and to authorize the Board of Selectmen to acquire any necessary easements by gift, purchase or eminent domain and that to raise this appropriation, the Treasurer, with the approval of the Board of Selectmen be authorized to borrow under and pursuant to Chapter 44, Section 7, Clause (6) of the General Laws or any other enabling authority, and to issue bonds or notes of the Town, or take any other action related thereto.

On request of the Director of Municipal Services

### **Town Building and Facility Maintenance**

**ARTICLE 46.** To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$1,200,000 for the purpose of paying the costs of constructing, adding to, remodeling, reconstructing and making extraordinary repairs to and equipping various town buildings and facilities, including any other costs incidental and related thereto, or to take any other action related thereto.

On request of the Director of Municipal Services

### **Zoning Bylaw Amendment – Rezone Land off Fleming Ave**

**ARTICLE 47.** To see if the Town will vote to amend the Andover Zoning Bylaw pursuant to section 2.1 (District Boundaries) and 2.3.1 (Map Amendments) and make the appropriate changes to the Zoning Map of the Town of Andover to rezone to Single Residence A (SRA) from Industrial D (ID) that parcel of land located off of Fleming Avenue, (known by the Assessor's Office as 0 Fleming Avenue) being more particularly shown as Lot B on a Plan of Land entitled "Subdivision & Acceptance Plan Raytheon Park, Raytheon Mfg. Co." prepared by Stowers Associates, Registered Land Surveyors, Methuen Ma, dated December, 1963" which plan is recorded at the Essex North District Registry of Deeds as Plan 4975 and a copy of which is on file with the office of the Town Clerk or take any other action related thereto. Said parcel of land being a portion of Lot 4A on the Town of Andover Assessor Map 35 and it is the intent of this article that the entirety of Lot 4A on Andover Assessor Map 35 would be zoned SRA.

On petition of Mark B. Johnson and others



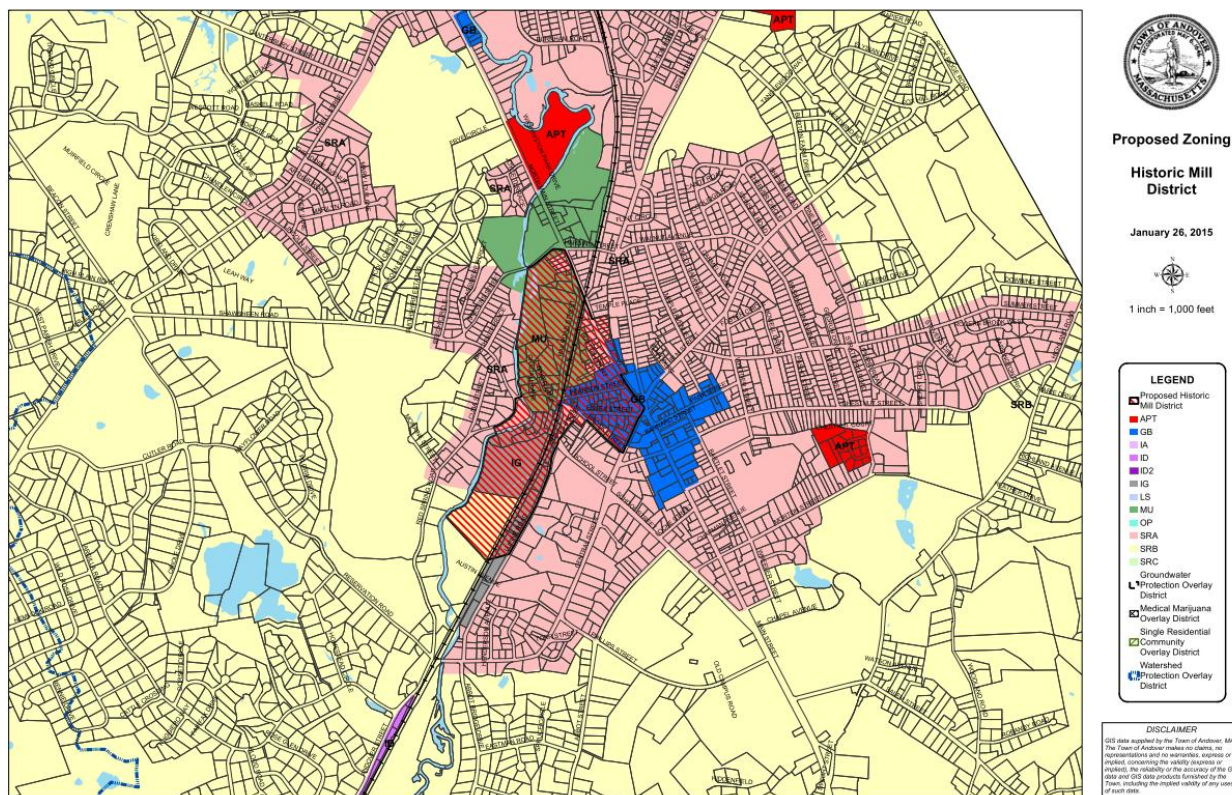
## **Deyermont Park Ball Field Lighting**

**ARTICLE 48.** To see if the Town will vote to appropriate the sum of \$200,000, for the purpose of paying costs of adding outdoor lighting to two of the three youth baseball fields located at Deyermont Park on Blanchard Street, including all other costs incidental and related thereto, and to raise said sum by taxation, by transfer from available funds, by borrowing or by any combination of the foregoing, or take any action related thereto.

On petition of Jesse Ritter and others

## **Establish Historic Mill District**

**ARTICLE 49.** To see if the Town will vote to amend Article VIII, Section 2.2. Overlay Districts of the Zoning Bylaw by adding at the end of Section 2.2, Historic Mill District and amend the Town of Andover Zoning Map, to establish an Historic Mill District as shown on a plan titled “Historic Mill District”, dated, January 26, 2015, as prepared by the Town of Andover, which plans are on file in the office of the Town Clerk and which are hereby made part of the Town Zoning Map.



And further that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Andover Code of By-laws, or take any other action related thereto.

On the request of the Planning Board and Economic Development Council

## **Zoning Bylaw Amendment – Historic Mill District (HMD)**

**ARTICLE 50.** To see if the Town will vote to amend the Zoning Bylaw by adding the following new Section 8.7 Historic Mill District (HMD).

### **SECTION 8.7: HISTORIC MILL DISTRICT (HMD)**

#### **8.7.1 Purpose.**

It is the purpose of this Section to establish the Historic Mill District (HMD), to encourage smart growth, and to foster a range of housing opportunities within mixed-use development projects, to be proposed in a distinctive and attractive site development program that promotes compact design, preservation of open space, and a variety of transportation options, including enhanced pedestrian access to employment and nearby transportation systems. Other objectives of this Section are to:

1. Promote the public health, safety, and welfare by encouraging diverse housing opportunities in accordance with the Town's Master Plan.
2. Promote mixed use and economic development that is safe, pedestrian friendly, near rail transit and near the Town's civic and commercial center, while reducing the need for automobile travel
3. Encourage the preservation of open spaces and protection of the Shawsheen River
4. Encourage adaptive reuse of abandoned, vacant or underutilized mill buildings
5. Provide a mechanism by which residential development can directly increase the housing supply and diversity, including but not limited to, young professionals and seniors, who want to live near their workplace and/or near retail and other non-residential uses;
6. Establish requirements, standards, and guidelines, and ensure predictable, fair and cost-effective development review and permitting.
7. Establish development standards to allow context-sensitive design and creative site planning.
8. Encourage consolidation of small parcels into viable, block-size mixed use development in designated areas;

### **8.7.2 Definitions.**

For purposes of this Section, the following definitions shall apply:

*Design Guidelines:* Guidelines adopted to preserve and augment the architectural qualities, historic character and pedestrian scale of, and which are applicable to, all Development Projects herein.

*Development Project:* A Development Project is a project having any of the following characteristics:

- a. A proposal to increase the gross floor area of an existing building by more than 2,000 square feet.
- b. A proposal to construct a building or buildings in excess of 10,000 square feet.
- c. A proposal to alter, renovates, reconstruct or redevelop more than 40% of the gross floor area of an existing building.

*Dwelling Unit:* One (1) or more rooms with cooking, living, sanitary and sleeping facilities arranged for the use of one (1) or more persons living together as a single housekeeping unit.

*Mixed Use:* Any structure containing two or more of the Permitted Uses as set forth in Section 8.7.

*Multifamily Dwelling:* Dwelling containing two or more dwelling units.

*Special Permit Granting Authority:* For purposes of reviewing Development Project applications and issuing decisions on Development Projects within the HMD, the Special Permit Granting Authority shall be the Planning Board.

*Structured Parking Facilities:* A structure or structures constructed to provide off street parking for automobiles, in connection with the construction of a Development Project. This may include parking under a building.

### **8.7.3 Overlay District.**

The HMD is an overlay district that is superimposed over the underlying zoning district(s), as shown on the Official Zoning Map on file in the Office of the Town Clerk.

1. *Underlying Zoning.* The HMD is an overlay district superimposed on all underlying zoning districts. The Zoning By-law governing the underlying zoning district(s) shall remain in full force and effect, except for Projects undergoing development pursuant to Section 8.7. Within the boundaries of the HMD a developer may elect to develop a project in accordance with the HMD, or to develop a project in accordance with the

requirements of the regulations for use, dimension and all other provisions of the Zoning By-law governing the underlying zoning district(s).

2. *Applicability of HMD.* An Applicant for a Project proposed within the HMD must seek a Special Permit in accordance with the requirements of this section. When a building permit is issued for any Project approved in accordance with this section 8.7., the provisions of the underlying district(s) shall no longer be applicable to the land shown on the site plan which was submitted pursuant to this By-law.

#### **8.7.4 Housing and Affordability.**

1. No application within the HMD which contains residential use shall be approved unless at least 15% of the total dwelling units proposed are devoted to affordable housing, or such greater percentage as may be required by state or federal subsidy programs; provided however, that such applications requesting three or fewer dwelling units are exempt from this requirement. “Affordable housing” shall be defined as any housing subsidized by the federal or state government under any program to assist the construction of affordable housing as defined in the applicable federal or state statute, whether built or operated by any public agency or any nonprofit or limited dividend organization. The calculation of affordable units shall be rounded to the next whole number for units equal to 0.5 or greater.
2. The applicant may, with the permission of the Planning Board, in lieu of one or more affordable unit(s) contributes to the Town of Andover Municipal Affordable Housing Trust Fund, a cash contribution determined by the Planning Board in consultation with the Housing Trust Fund Board of Trustees, and is to be used for the benefit of households in Andover.

#### **8.7.5 Permitted Uses.**

1. *Permitted Uses.* The following uses either standalone or in combination, are allowed in the HMD. All other uses are prohibited:

Multifamily dwellings;

Municipal Facilities;

Structured Parking Facilities;

Non-residential uses, in accordance with the following “Table of Non-residential Uses”, but only by issuance of a Special Permit by the Planning Board under this bylaw.

Use
<u>Institutional Uses</u>
1. Religious or educational uses exempt from zoning prohibition by G.L.c.40A,s.3
2. Child care facility
<u>Business and Commercial Uses</u>
1. Private club not conducted for profit
2. Personal service establishment
3. Banking establishment
4. Retail sales establishment
5. Convenience store
6. Educational use
7. Medical center or clinic
8. Self-service laundry or dry-cleaning operation
9. Restaurants
a. Restaurant, sit down
b. Restaurant, fast food
10. Shop for custom work involving the manufacture of articles to be sold on the premises
11. Indoor commercial recreation establishment
12. Business, professional or administrative office
13. Motel or hotel (see Section 4.1.5.1 of the Zoning By-Law)
14. Commercial parking lot or garage
15. Open Space
16. Major non-residential project (see Sections 9.4 and 10.0 of the Zoning By-Law)

Non-residential use of any building, structure or land within the HMD is prohibited except as permitted above.

2. *Accessory Uses.* Uses which are subordinate to, clearly incidental to, customary in connection with, and located in the same structure as a Permitted Use and which do not, in effect, constitute conversion of the Permitted Use to a use not otherwise permitted in the HMD shall be permitted.

#### **8.7.6 Density.**

1. *Residential:* The minimum requirement for a residential use in the HMD is three thousand square feet of lot area per dwelling unit. The Planning Board may, in its discretion, according to the characteristics of any particular lot, allow less than the 3,000 square feet of lot area per dwelling unit, with an upper limit of forty (40) units per acre.
2. *Retail Sales:* No single Retail Sales Establishment as described in Section 8.7.5.1. shall exceed 25,000 SF of gross floor area in the HMD. A single establishment shall be

defined as having independent access, egress and exit ways as required by State Building Code.

3. *Integration of Uses:* The Special Permit Granting Authority may require the integration of residential and non-residential uses in a Mixed Use structure as a condition of Approval.
4. *Multiple Buildings:* In the HMD, more than one building may be erected on a single lot.

#### **8.7.7 Dimensional Regulations.**

1. *First Floor.* Buildings with a commercial use on the first floor shall be located directly behind the front sidewalk (0-foot maximum setback) on any street. However, regardless of the width of the existing sidewalk, a minimum of 8 feet shall be required from the curb line to the front of the building.
2. *Building Height.* The maximum allowed heights of all buildings in the district shall be as follows:

Building heights shall conform to and be measured according to the following standards:

- a. When adjacent to or up to ninety (90') feet from the property line on North Main Street, the heights of all buildings shall be no more than thirty-five (35') feet above the adjacent public street.
- b. When more than ninety (90) feet from the property line on North Main Street, and otherwise not restricted by this section, the heights of all buildings in the district shall be no more than sixty-five (65) feet.
- c. When adjacent to or up to fifteen (15) feet from the property line on Essex Street and/or Pearson Street, the heights of all buildings in the district shall be no more than thirty-five (35) feet if otherwise not restricted by this section.
- d. From fifteen (15) feet to fifty (50) feet from the property line on Essex Street and/or Pearson Street, the maximum heights of all buildings in the district shall be fifty (50) feet. After fifty (50) feet, and if otherwise not restricted by this section, the maximum allowed height shall be sixty-five (65) feet.
- e. When the property frontage is on the east side of Railroad Street, the heights of all buildings within fifty (50) feet of Railroad Street shall be no more than fifty (50) feet. After fifty (50) feet, and if otherwise not restricted by this section, the maximum allowed height shall be sixty-five (65) feet.
- f. When adjacent to or up to fifty (50') feet from the property line on Red Spring Road, the heights of all buildings shall be no more than thirty-five (35') feet.

- g. For all other buildings within the district, not otherwise restricted by this section, the maximum height shall be fifty (50) feet.
  - h. The maximum building heights specified by this section shall not apply to any pedestrian walkways over the MBTA railroad tracks.
  - i. When a building façade extends more than one hundred (100) feet across a grade equal to or greater than ten (10) feet in elevation differential, the maximum height of the building shall be determined from the average grade across each one hundred (100) foot increment.
- 3. *Building Coverage.* The maximum building coverage in the HMD shall be 75% of the lot covered by the footprint area of a building or buildings.
  - 4. *Parcel Size.* The minimum parcel size required for a Development Project shall be one-half (0.5) acre.

#### **8.7.8 Design Objectives**

Each project within the HMD shall:

- 1. Provide a positive economic benefit to Andover (including, but not limited to, fiscal impact, town services, and employment), is in harmony with the general purpose and intent of the Master Plan and is not unreasonably detrimental to the overall General Business Districts, specifically Downtown Andover.
- 2. Blend the scale of residential, business and commercial structures into the site design;
- 3. Provide safe vehicular and pedestrian ways, and minimize traffic impacts;
- 4. Preserve natural features, wetlands, scenic vistas and open spaces when possible;
- 5. Minimize the visual impact of parking areas;
- 6. Assure safe interior circulation within its site by separating pedestrian, bike, and vehicular traffic.
- 7. Include existing and future pedestrian pathways within 100' feet of the Shawsheen River for public use and enjoyment if the Project includes frontage along the Shawsheen River. Said pedestrian pathway shall be publicly accessible via a public access easement or conveyance to the Town of Andover. The easement width for these pathways shall be not less than ten feet (10'), unless otherwise approved by the Planning Board.

8. Have appropriate signage to identify places, provide direction, and advertise businesses. Along with communicating information, signage should add to the character of each project and reinforce a sense of place:
  - a. Signs shall consist of high quality materials and color palettes that reflect the architectural themes of the surrounding area,
  - b. Location and placement of signs should not obstruct pedestrian or vehicular movement.
9. Incorporate energy efficient and environmentally sensitive principles;
10. Incorporate pedestrian amenities, accessory uses and community benefits into the overall design in a harmonious way;
11. Incorporate low-impact development (LID) design techniques or Stormwater Best Management Practices (such as, but not limited to, pervious paving, landscape swales, vegetative filters or rain gardens, and landscape infiltration facilities) to lessen the environmental impact of development along the Shawsheen River.

#### **8.7.9 Design Guidelines and Review.**

1. In order to preserve and augment the HMD's architectural qualities, historic character and pedestrian scale, the Planning Board is authorized to adopt Design Guidelines which are not inconsistent with this By-law.
2. The Design Review Board shall review all Development Projects pursuant to Section 8.7.

#### **8.7.10 Off-Street Parking and Loading Areas**

1. *Structured Parking.* Parking within the HMD shall be accommodated within Structured Parking Facilities and under buildings to the maximum extent possible. On-street parking may be provided on private streets within the development project in front of and adjacent to retail stores.
2. *Off-Street Parking.* For any structure that is constructed, enlarged, or extended, or has a change-of-use which affects the computation of parking spaces, or if any existing use is changed, then parking spaces shall meet the following requirements:
  - a. Residential uses require a minimum of 1.0 space per dwelling unit.
  - b. Non-residential uses require a minimum of 2 spaces per 1,000 sq. ft. of gross floor area.



3. **Shared Parking Facilities:** The Planning Board may allow for shared parking facilities within the HMD for different buildings or uses subject to the following provisions:

- a. Up to 50% of the parking spaces serving a building may be used jointly for other uses not normally open, used or operated during similar hours. The applicant must demonstrate to the Planning Board that the peak demand and principal operating hours for each use are suitable for a common parking facility.
- b. A written agreement defining the joint use acceptable to the Planning Board of the common parking facility shall be executed by all parties concerned and approved by the Planning Board as part of the special permit process. Such agreement shall be recorded at the Registry of Deeds.

4. *Computation of Spaces.* When the computation of required parking spaces results in the requirement of fractional space, any fraction more than one-half (1/2) shall require one (1) space.

4. **Loading Areas.** Loading areas shall be designed in accordance with Section 5.1.5.5. of this By-law.

#### **8.7.11 Procedure**

A Development Project under the provisions of this HMD section is only allowed by Special Permit. All applications for a Special Permit to gain approval under this section shall be submitted to the Planning Board pursuant to the submission requirements and procedures contained in this By-law.

1. *Pre-Application.* Prior to the submittal of a special permit application, a “Concept Plan” shall be submitted to help guide the development of the site plan process for the proposed project build-out and individual elements thereof. Such Concept Plan should reflect the following:

- a. Overall building footprint;
- b. Areas which shall remain undeveloped;
- c. General site improvements, groupings of buildings, and proposed land uses.

The Concept Plan is intended to be used as a tool for both the applicant and the Planning Board to ensure that the proposed project design will be consistent with the requirements of the HMD.

2. *Application.* An application for a special permit shall be submitted to the Andover Planning Board pursuant to the submission requirements, and procedures contained in Section 9.4. and Section 9.5.3. of the zoning bylaw.

3. *Additional Submittals:*

- a. **Waivers.** At the request of the applicant in a narrative form, the Planning Board may waive certain dimensional, design and other requirements as stated herein (unless expressly prohibited), in the interests of design flexibility and overall project quality if it finds that the project is

consistent with the overall purpose and objectives of the HMD, or if it finds that such waiver will allow the project to achieve a high quality design incorporating a desired mix of open space, affordability, a mix of uses, and/or physical character.

b. A transportation plan, consisting of the following information:

- (i) A plan showing the proposed parking, loading, traffic and pedestrian circulation within the site; access and egress points; and other features related to traffic generated by the proposed use.
- (ii) A traffic study, prepared by a qualified traffic engineer, detailing the expected traffic impacts. The required traffic study shall substantially conform to the Institute of Transportation Engineers' "Traffic Access and Impact Studies for Site Development: A Recommended Practice," latest edition. In addition, the applicant shall submit a Transportation Demand Management (TDM) plan tailored to the specific uses and the geographic location of the site.
- (iii) Proposed mitigation measures, if any, including vehicle trip reduction from the Project.
- (iv) The traffic study shall address pedestrian, vehicular and rail circulation at the Essex Street/Pearson Street Intersection.

#### **8.7.12 Severability.**

If any provision of this Section 8.7 is found to be invalid by a court of competent jurisdiction, the remainder of Section 8.7 shall remain in full force and effect. The invalidity of any provision of this Section 8.7 shall not affect the validity of the remainder of the Town of Andover's Zoning By-Law.

And further that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Andover Code of By-laws, or take any other action related thereto.

On the request of the Planning Board and Economic Development Council

#### **Zoning Bylaw Amendment – Historic Mill District**

**ARTICLE 51.** To see if the Town will amend Article VIII, Section 2.2. Overlay Districts of the Zoning Bylaw by adding at the end of Section 2.2, Historic Mill District and amend the Town of Andover Zoning Map, to establish an Historic Mill District as shown on a plan titled "Historic Mill District", dated January 26, 2015, which plans are on file in the office of the Town Clerk and which are hereby made part of the Town Zoning Map.

To see if the Town will vote to amend the Zoning Bylaw by adding the following new section 8.7 Historic Mill District (HMD).

## **SECTION 8.7: HISTORIC MILL DISTRICT (HMD)**

### **8.7.1 Purpose.**

It is the purpose of this Section to establish the Historic Mill District (HMD), to encourage smart growth, and to foster a range of housing opportunities within mixed-use development projects, to be proposed in a distinctive and attractive site development program that promotes compact design, preservation of open space, and a variety of transportation options, including enhanced pedestrian access to employment and nearby transportation systems. Other objectives of this Section are to:

9. Promote the public health, safety, and welfare by encouraging diverse housing opportunities in accordance with the Town's Master Plan.
10. Promote mixed use and economic development that is safe, pedestrian friendly, near rail transit and near the Town's civic and commercial center, while reducing the need for automobile travel
11. Encourage the preservation of open spaces and protection of the Shawsheen River
12. Encourage adaptive reuse of abandoned, vacant or underutilized mill buildings
13. Provide a mechanism by which residential development can directly increase the housing supply and diversity, including but not limited to, young professionals and seniors, who want to live near their workplace and/or near retail and other non-residential uses;
14. Establish requirements, standards, and guidelines, and ensure predictable, fair and cost-effective development review and permitting.
15. Establish development standards to allow context-sensitive design and creative site planning.
16. Encourage consolidation of small parcels into viable, block-size mixed use development in designated areas;

### **8.7.2 Definitions.**

For purposes of this Section, the following definitions shall apply:

*Design Guidelines:* Guidelines adopted to preserve and augment the architectural qualities, historic character and pedestrian scale of, and which are applicable to, all Development Projects herein.

*Development Project:* A Development Project is a project having any of the following characteristics:

- a. A proposal to increase the gross floor area of an existing building by more than 2,000 square feet.
- b. A proposal to construct a building or buildings in excess of 10,000 square feet.
- c. A proposal to alter, renovate, reconstruct or redevelop more than 40% of the gross floor area of an existing building.

*Dwelling Unit:* One (1) or more rooms with cooking, living, sanitary and sleeping facilities arranged for the use of one (1) or more persons living together as a single housekeeping unit.

*Mixed Use:* Any structure containing two or more of the Permitted Uses as set forth in Section 8.7.

*Multifamily Dwelling:* Dwelling containing two or more dwelling units.

*Special Permit Granting Authority:* For purposes of reviewing Development Project applications and issuing decisions on Development Projects within the HMD, the Special Permit Granting Authority shall be the Planning Board.

*Structured Parking Facilities:* A structure or structures constructed to provide off street parking for automobiles, in connection with the construction of a Development Project. This may include parking under a building.

### **8.7.3 Overlay District.**

The HMD is an overlay district that is superimposed over the underlying zoning district(s), as shown on the Official Zoning Map on file in the Office of the Town Clerk.

1. *Underlying Zoning.* The HMD is an overlay district superimposed on all underlying zoning districts. The Zoning By-law governing the underlying zoning district(s) shall remain in full force and effect, except for Projects undergoing development pursuant to Section 8.7. Within the boundaries of the HMD a developer may elect to develop a project in accordance with the HMD, or to develop a project in accordance with the requirements of the regulations for use, dimension and all other provisions of the Zoning By-law governing the underlying zoning district(s).
2. *Applicability of HMD.* An Applicant for a Project proposed within the HMD must seek a Special Permit in accordance with the requirements of this section. When a building permit is issued for any Project approved in accordance with this section 8.7., the provisions of the underlying district(s) shall no longer be applicable to the land shown on the site plan which was submitted pursuant to this By-law.

#### 8.7.4 Housing and Affordability.

1. No application within the HMD which contains residential use shall be approved unless at least 15% of the total dwelling units proposed are devoted to affordable housing, or such greater percentage as may be required by state or federal subsidy programs; provided however, that such applications requesting three or fewer dwelling units are exempt from this requirement. "Affordable housing" shall be defined as any housing subsidized by the federal or state government under any program to assist the construction of affordable housing as defined in the applicable federal or state statute, whether built or operated by any public agency or any nonprofit or limited dividend organization. The calculation of affordable units shall be rounded to the next whole number for units equal to 0.5 or greater.
2. The applicant may, with the permission of the Planning Board, in lieu of one or more affordable unit(s), contribute to the Town of Andover Municipal Affordable Housing Trust Fund, a cash contribution determined by the Planning Board in consultation with the Housing Trust Fund Board of Trustees, and is to be used for the benefit of households in Andover.

#### 8.7.5 Permitted Uses.

1. *Permitted Uses.* The following uses, either standalone or in combination, are allowed in the HMD. All other uses are prohibited:

Multifamily dwellings;

Municipal Facilities;

Structured Parking Facilities;

Non-residential uses, in accordance with the following "Table of Non-residential Uses", but only by issuance of a Special Permit by the Planning Board under this bylaw.

Use
<u>Institutional Uses</u>
1. Religious or educational uses exempt from zoning prohibition by G.L.c.40A,s.3
2. Child care facility
<u>Business and Commercial Uses</u>
1. Private club not conducted for profit
2. Personal service establishment
3. Banking establishment
4. Retail sales establishment

5. Convenience store
6. Educational use
7. Medical center or clinic
8. Self-service laundry or dry-cleaning operation
9. Restaurants
a. Restaurant, sit down
b. Restaurant, fast food
10. Shop for custom work involving the manufacture of articles to be sold on the premises
11. Indoor commercial recreation establishment
12. Business, professional or administrative office
13. Motel or hotel (see Section 4.1.5.1 of the Zoning By-Law)
14. Commercial parking lot or garage
15. Open Space
16. Major non-residential project (see Sections 9.4 and 10.0 of the Zoning By-Law)

Non-residential use of any building, structure or land within the HMD is prohibited except as permitted above.

2. *Accessory Uses.* Uses which are subordinate to, clearly incidental to, customary in connection with, and located in the same structure as a Permitted Use and which do not, in effect, constitute conversion of the Permitted Use to a use not otherwise permitted in the HMD shall be permitted.

#### **8.7.6 Density.**

1. *Residential:* The minimum requirement for a residential use in the HMD is three thousand square feet of lot area per dwelling unit. The Planning Board may, in its discretion, according to the characteristics of any particular lot, allow less than the 3,000 square feet of lot area per dwelling unit, with an upper limit of forty (40) units per acre.
2. *Retail Sales:* No single Retail Sales Establishment as described in Section 8.7.5.1. shall exceed 25,000 SF of gross floor area in the HMD. A single establishment shall be defined as having independent access, egress and exit ways as required by State Building Code.
3. *Integration of Uses:* The Special Permit Granting Authority may require the integration of residential and non-residential uses in a Mixed Use structure as a condition of Approval.
4. *Multiple Buildings:* In the HMD, more than one building may be erected on a single lot.

### 8.7.7 Dimensional Regulations.

1. *First Floor.* Buildings with a commercial use on the first floor shall be located directly behind the front sidewalk (0-foot maximum setback) on any street. However, regardless of the width of the existing sidewalk, a minimum of 8 feet shall be required from the curb line to the front of the building.
2. *Building Height.* The maximum allowed heights of all buildings in the district shall be as follows:

Building heights shall conform to and be measured according to the following standards:

- a. When adjacent to or up to ninety (90') feet from the property line on North Main Street, the heights of all buildings shall be no more than thirty-five (35') feet above the adjacent public street.
- b. When more than ninety (90) feet from the property line on North Main Street, and otherwise not restricted by this section, the heights of all buildings in the district shall be no more than sixty-five (65) feet.
- c. When adjacent to or up to fifteen (15) feet from the property line on Essex Street and/or Pearson Street, the heights of all buildings in the district shall be no more than thirty-five (35) feet if otherwise not restricted by this section.
- d. From fifteen (15) feet to fifty (50) feet from the property line on Essex Street and/or Pearson Street, the maximum heights of all buildings in the district shall be fifty (50) feet. After fifty (50) feet, and if otherwise not restricted by this section, the maximum allowed height shall be sixty-five (65) feet.
- e. When the property frontage is on the east side of Railroad Street, the heights of all buildings within fifty (50) feet of Railroad Street shall be no more than fifty (50) feet. After fifty (50) feet, and if otherwise not restricted by this section, the maximum allowed height shall be sixty-five (65) feet.
- f. When adjacent to or up to fifty (50') feet from the property line on Red Spring Road, the heights of all buildings shall be no more than thirty-five (35') feet.
- g. For all other buildings within the district, not otherwise restricted by this section, the maximum height shall be fifty (50) feet.
- h. The maximum building heights specified by this section shall not apply to any pedestrian walkways over the MBTA railroad tracks.
- i. When a building façade extends more than one hundred (100) feet across a grade equal to or greater than ten (10) feet in elevation differential, the maximum height

of the building shall be determined from the average grade across each one hundred (100) foot increment.

3. *Building Coverage.* The maximum building coverage in the HMD shall be 75% of the lot covered by the footprint area of a building or buildings.
4. *Parcel Size.* The minimum parcel size required for a Development Project shall be one-half (0.5) acre.

### **8.7.8 Design Objectives**

Each project within the HMD shall:

12. Provide a positive economic benefit to Andover (including, but not limited to, fiscal impact, Town services, and employment), is in harmony with the general purpose and intent of the Master Plan and is not unreasonably detrimental to the overall General Business Districts, specifically Downtown Andover.
13. Blend the scale of residential, business and commercial structures into the site design;
14. Provide safe vehicular and pedestrian ways, and minimize traffic impacts;
15. Preserve natural features, wetlands, scenic vistas and open spaces when possible;
16. Minimize the visual impact of parking areas;
17. Assure safe interior circulation within its site by separating pedestrian, bike, and vehicular traffic.
18. Include existing and future pedestrian pathways within 100' feet of the Shawsheen River for public use and enjoyment if the Project includes frontage along the Shawsheen River. Said pedestrian pathway shall be publicly accessible via a public access easement or conveyance to the Town of Andover. The easement width for these pathways shall be not less than ten feet (10'), unless otherwise approved by the Planning Board.
19. Have appropriate signage to identify places, provide direction, and advertise businesses. Along with communicating information, signage should add to the character of each project and reinforce a sense of place:
  - a. Signs shall consist of high quality materials and color palettes that reflect the architectural themes of the surrounding area,
  - b. Location and placement of signs should not obstruct pedestrian or vehicular movement.



20. Incorporate energy efficient and environmentally sensitive principles;
21. Incorporate pedestrian amenities, accessory uses and community benefits into the overall design in a harmonious way;
22. Incorporate low-impact development (LID) design techniques or Storm water Best Management Practices (such as, but not limited to, pervious paving, landscape swales, vegetative filters or rain gardens, and landscape infiltration facilities) to lessen the environmental impact of development along the Shawsheen River.

#### **8.7.9 Design Guidelines and Review.**

1. In order to preserve and augment the HMD's architectural qualities, historic character and pedestrian scale, the Planning Board is authorized to adopt Design Guidelines which are not inconsistent with this By-law.
2. The Design Review Board shall review all Development Projects pursuant to Section 8.7.

#### **8.7.10 Off-Street Parking and Loading Areas**

1. *Structured Parking.* Parking within the HMD shall be accommodated within Structured Parking Facilities and under buildings to the maximum extent possible. On-street parking may be provided on private streets within the development project in front of and adjacent to retail stores.
2. *Off-Street Parking.* For any structure that is constructed, enlarged, or extended, or has a change-of-use which affects the computation of parking spaces, or if any existing use is changed, then parking spaces shall meet the following requirements:
  - a. Residential uses require a minimum of 1.0 space per dwelling unit.
  - b. Non-residential uses require a minimum of 2 spaces per 1,000 sq. ft. of gross floor area.
3. **Shared Parking Facilities:** The Planning Board may allow for shared parking facilities within the HMD for different buildings or uses subject to the following provisions:
  - a. Up to 50% of the parking spaces serving a building may be used jointly for other uses not normally open, used or operated during similar hours. The applicant must demonstrate to the Planning Board that the peak demand and principal operating hours for each use are suitable for a common parking facility.
  - b. A written agreement defining the joint use acceptable to the Planning Board of the common parking facility shall be executed by all parties concerned and

approved by the Planning Board as part of the special permit process. Such agreement shall be recorded at the Registry of Deeds.

4. *Computation of Spaces.* When the computation of required parking spaces results in the requirement of fractional space, any fraction more than one-half (1/2) shall require one (1) space.
5. *Loading Areas.* Loading areas shall be designed in accordance with Section 5.1.5.5. of this By-law.

#### **8.7.11 Procedure**

A Development Project under the provisions of this HMD section is only allowed by Special Permit. All applications for a Special Permit to gain approval under this section shall be submitted to the Planning Board pursuant to the submission requirements and procedures contained in this By-law.

4. *Pre-Application.* Prior to the submittal of a special permit application, a “Concept Plan” shall be submitted to help guide the development of the site plan process for the proposed project build-out and individual elements thereof. Such Concept Plan should reflect the following:

- d. Overall building footprint;
- e. Areas which shall remain undeveloped;
- f. General site improvements, groupings of buildings, and proposed land uses.

The Concept Plan is intended to be used as a tool for both the applicant and the Planning Board to ensure that the proposed project design will be consistent with the requirements of the HMD.

5. *Application.* An application for a special permit shall be submitted to the Andover Planning Board pursuant to the submission requirements, and procedures contained in Section 9.4. and Section 9.5.3. of the zoning bylaw.

6. *Additional Submittals:*

- c. *Waivers.* At the request of the applicant in a narrative form, the Planning Board may waive certain dimensional, design and other requirements as stated herein (unless expressly prohibited), in the interests of design flexibility and overall project quality if it finds that the project is consistent with the overall purpose and objectives of the HMD, or if it finds that such waiver will allow the project to achieve a high quality design incorporating a desired mix of open space, affordability, a mix of uses, and/or physical character.

- d. A transportation plan, consisting of the following information:

- (v) A plan showing the proposed parking, loading, traffic and pedestrian circulation within the site; access and egress points; and other features related to traffic generated by the proposed use.
- (vi) A traffic study, prepared by a qualified traffic engineer, detailing the expected traffic impacts. The required traffic study shall substantially conform to the Institute of Transportation Engineers’ “Traffic Access and Impact Studies for Site Development: A Recommended Practice,” latest edition. In addition, the applicant shall submit a Transportation

Demand Management (TDM) plan tailored to the specific uses and the geographic location of the site.

(vii) Proposed mitigation measures, if any, including vehicle trip reduction from the Project.

(viii) The traffic study shall address pedestrian, vehicular and rail circulation at the Essex Street/Pearson Street Intersection.

#### **8.7.12 Severability.**

If any provision of this Section 8.7 is found to be invalid by a court of competent jurisdiction, the remainder of Section 8.7 shall remain in full force and effect. The invalidity of any provision of this Section 8.7 shall not affect the validity of the remainder of the Town of Andover's Zoning By-Law.

And further that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Andover Code of By-laws, or take any other action related thereto.

On petition of Charles R. Kendrick, Jr. and others

#### **Dimensional Special Permit - Historic Preservation**

**ARTICLE 52.** To see if the Town will vote to authorize to amend Section 7.9.in the Andover Zoning By-law, by deleting the entire section and replacing it with:

##### **7.9.1 Purpose and Intent.**

The purpose of this by-law is to encourage the preservation of buildings, structures, sites and settings of historic significance, by allowing such buildings or features to remain in place, or be moved to another location rather than be demolished or otherwise compromised. The by-law gives the Zoning Board of Appeals the authority to issue a special permit modifying certain dimensional standards for the creation of new lots, or for the use of existing lots, for purposes of preservation of historic structures or buildings as defined herein. A special permit for historic preservation shall apply only to the lot on which the historic building or structure is or will be located pursuant to the special permit and to any new lot created pursuant to the provisions of Section 7.9.4.7 below that does not meet the dimensional requirements of Section 4.1.2 (the "Table of Dimensional Requirements").

The special permit granting authority shall be the Zoning Board of Appeals.

##### **7.9.2 Historic Structures.**

For purposes of a dimensional special permit for historic preservation the historic building or structure must be located in the Town of Andover and must be listed on one of the following:

1. The National Register of Historic Places;
2. The State (Commonwealth of Massachusetts) Register of Historic Places; or

3. The Andover Historic Building Survey.

### **7.9.3 Definitions.**

1. PARENT PARCEL: The parcel of land that is the subject of the application for a dimensional special permit for historic preservation.
2. HOST LOT: The lot on which the historic building or structure is currently located, or, if the historic structure is to be moved from another location, the lot on which the historic structure is to be located. A HOST LOT may be the entire PARENT PARCEL, or may be created by the division of the PARENT PARCEL into a HOST LOT and one or more NEW LOTS.
3. NEW LOT: Any lot or lots, created by the division of the PARENT PARCEL, that is not a HOST LOT as defined above.

### **7.9.4 Standards and Regulations.**

The following specific standards shall be applied to a Dimensional Special Permit for Historic Preservation:

1. The Parent Parcel shall be located in the SRA, SRC or SRB Zoning District.
2. Any Host Lot created under this by-law in any single-family residential zoning district shall contain not less than the minimum lot area set forth below, and such minimum lot area shall be contiguous upland, free of wetlands:
  - a. In the SRA District: one-half the minimum lot area for the SRA District, as set forth in Section 4.1.2 of the Zoning By-law.
  - b. In the SRB District: one-half the minimum lot area for the SRB District, as set forth in Section 4.1.2 of the Zoning By-law.
  - c. In the SRC District: one-half the minimum lot area for the SRC District, as set forth in Section 4.1.2 of the Zoning By-law.
3. Lot frontage and minimum yard depths for a Host Lot created under this by-law shall be as follows:
  - a. In the SRA District:
    1. Frontage: 50 feet
    2. Minimum yard depth: front: 25 feet or the current setback whichever is less; side: 10 feet; rear: 30 feet;
  - b. In the SRB District:
    1. Frontage: 75 feet;
    2. Minimum yard depth: front: 35 feet or the current setback whichever is less; side: 15 feet; rear: 30 feet;
  - c. In the SRC District:
    1. Frontage: 100 feet;
    2. Minimum yard depth: front: 35 feet or the current setback whichever is less; side: 20 feet; rear: 30 feet;
4. Any Host Lot or New Lot created under this by-law shall have its required frontage on a public way as measured at the street line.
5. Any Host Lot or New Lot created under this by-law in the Single Residence a (SRA) or Single Residence B (SRB) Zoning District shall be served by municipal sanitary sewer and water.

6. Any Host Lot or New Lot created under this by-law in the Single Residence C (SRC) Zoning District shall be served by municipal water, and if sanitary sewer is not available, the lot shall be in fact capable of supporting an on-site sewage disposal system, or in the event that said lot is not serviced by municipal sanitary sewer and water at the time of the Zoning Board hearing, but the Zoning Board finds that sewer and water service will be available, the Zoning Board shall make as a condition of its approval that no occupancy permit shall issue until the lot is serviced by municipal sanitary sewer and water.
7. No New Lot shall be created that does not meet the dimensional requirements of the zoning district in which it is located, as set forth in Section 4.1.2 of the Zoning By-law (the “Table of Dimensional Requirements”), including, but not limited to, lot area, frontage and minimum yard depths, except as provided for below:
  - a. In the SRA District: one New Lot may be created that has at least one half (1/2) the minimum lot area as set forth in Section 4.1.2 of the Zoning By-law, and at least 50 feet of frontage.
  - b. In the SRB District: one New Lot may be created that has at least one half (1/2) the minimum lot area as set forth in Section 4.1.2 of the Zoning By-law, and at least 75 feet of frontage.
  - c. In the SRC District: one New Lot may be created that has at least three quarters (3/4) the minimum lot area as set forth in Section 4.1.2 of the Zoning By-law and at least 135 feet of frontage.
8. If the Parent Parcel is to be divided so as to create more than one Host Lot, a separate, related application for a Dimensional Special Permit for Historic Preservation shall be filed for each additional Host Lot and its associated historic building or structure.
9. A vacant existing nonconforming lot that is to become a Host Lot without further subdivision need not meet the standards set forth in Subsections 1 through 3 above; however, the provisions of Subsections 4 and 5 shall apply.
10. The Zoning Board of Appeals shall determine whether or not an historic structure or building can be placed on a lot without detrimental effect on abutting properties or the street on which the lot has its frontage.

#### **7.9.5 Findings Required.**

Priority in granting a dimensional special permit for historic preservation shall, in all cases, be placed upon keeping buildings and structures in place, rather than moving them to other locations, provided that the existing site can be shown to represent valid historical setting and context. Moving of structures or buildings to other locations shall be considered only if no other preservation measures are practical or reasonable on the existing site, or if the proposed removal is to return a building or structure to an original or more historically accurate location.

In addition to the findings required under Section 9.4.2. of the Zoning By-law and the foregoing standards and regulations, the Zoning Board of Appeals shall consider the following specific items in determining whether to grant a dimensional special permit for historic preservation:

1. That the modification of dimensional requirements is necessary to protect, preserve or maintain an historic structure or building. Factors to be considered shall include the historic significance of the structure or building, the physical condition of the structure or building, and the extent and cost of repairs and renovations necessary to preserve the historic structure or building.

2. That the proposed work, including any relocation or reconstruction, preserves, to the maximum extent feasible, the historical and architectural features of the structure or building;
3. That in the absence of a Dimensional Special Permit for Historic Preservation, destruction of an historic structure or building will likely result.
4. The report of the interdepartmental review team, as set forth in §7.9.7.
5. The report of the Andover Preservation Commission and any applicable Historic District Commission, including recommended conditions relating to the repair, restoration or modifications to the existing historic structure, as set forth in §7.9.7.

#### **7.9.6 Conditions To Be Imposed.**

If the Zoning Board of Appeals grants the dimensional special permit for historic preservation, it shall impose, as minimum conditions, the following:

1. Conditions relating to the repair, restoration or modifications to the existing historic structure, including a schedule of work to be performed, sufficient to ensure the preservation and integrity of the historic structure and to prevent deterioration due to neglect or disuse, intentional or otherwise.
2. In the event of a catastrophic event which results in damage to the historic structure such that the historic structure cannot be repaired, the owner may rebuild on the host lot, provided that the new structure does not contain more than the same interior floor area as the historic structure and meets one of the following requirements:
  - a. The new structure is placed in the same footprint as that occupied by the historic structure; or
  - b. The new structure is built in conformity with the applicable front, side and rear setback requirements in effect at the time of rebuilding as set forth in Section 4.1.2 of the Zoning By-law (the "Table of Dimensional Requirements").
3. If the historic structure is to be moved to a Host Lot from another location, the Board of Selectmen of the Town of Andover shall approve the route and the timing of the movement of the building or structure.
4. After the dimensional special permit for historic preservation has become final, any proposed alterations or changes to the historic structure shall be submitted to the Andover Preservation Commission for its review and approval. If the Preservation Commission determines that the proposed alterations or changes are not minor, the owner shall seek a modification of the special permit from the Zoning Board of Appeals.
5. When the decision of the Board of Appeals on the application for a Dimensional Special Permit for Historic Preservation has become final and has been recorded at the Registry of Deeds, the plan upon which the decision is based shall be submitted to the Andover Planning Board for certification as an Approval Not Required (ANR) plan pursuant to Chapter 41, Section 81P, of the Massachusetts General Laws.
6. The Approval Not Required (ANR) plan as certified by the Planning Board shall be recorded at the Essex North District Registry of Deeds.
7. Other than permits required to protect or stabilize the existing historic structure, no building permit shall be issued until the ANR Plan has been recorded at the Essex North District Registry of Deeds.

8. The owner shall record at the Essex North District Registry of Deeds an historic preservation restriction in the form approved by the Zoning Board of Appeals, and approved and endorsed by Andover Board of Selectmen and by the Massachusetts Historical Commission in accordance with Chapter 184, Section 32, of the General Laws, which shall at a minimum provide for conditions under which alterations, additions or modifications may be made, and in the event of damage to the historic structure such that the historic structure cannot be repaired, the owner may rebuild on the lot, provided that the new dwelling does not contain more than the same interior floor area as the historic structure and meets one of the following requirements: (i) the new dwelling is placed in the existing footprint; or (ii) the new dwelling is built in conformity with the zoning side, front and rear setbacks in effect at the time of rebuilding. Any mortgagee shall subordinate its mortgage to this restriction.

#### **7.9.7 Application Requirements and Procedure.**

Sixteen copies of an application for a Dimensional Special Permit for Historic Preservation shall be filed with the Zoning Board of Appeals.

Copies of the application shall be distributed to the Andover Preservation Commission and to any applicable Historic District Commission. Their report, including recommendations of conditions to be imposed as part of a Dimensional Special Permit for Historic Preservation, shall be submitted to the Zoning Board of Appeals during the public hearing.

If the existing historic structure is to be relocated, copies of the application shall be distributed to an interdepartmental review team, including but not limited to staff representatives of the Planning, Building, Health, Conservation, School, Public Works, Police and Fire Departments. A report of the interdepartmental review team, including comments from all participating departments and agencies, shall be submitted to the Zoning Board of Appeals during the public hearing.

The application for a Dimensional Special Permit for Historic Preservation shall include the following information:

1. A plan prepared by a registered land surveyor and/or professional engineer showing the Host Lot proposed to be created or used for the preservation of an historic structure or building. The plan shall be suitable for purposes of submission as an approval not required plan. The plan shall be at a scale of one inch equals 20 feet, on a sheet size not smaller than 11 inches by 24 inches, and not larger than 18 inches by 24 inches, and shall show the following information:
  - a. All existing and proposed property lines with bearings and distances;
  - b. If the application is for the creation of a New Lot as well as a Host Lot, then the Parent Parcel from which the lot is being taken shall also be shown at the same scale;
  - c. The location and size of all existing structures or buildings on and adjacent to the proposed lot(s), and the distances between all existing and proposed structures or buildings;
  - d. The public way on which the existing or proposed lot(s) will have frontage;

- e. Proposed front, side and rear building setback lines;
  - f. Existing and proposed topography (grading);
  - g. Significant trees or other natural features;
  - h. The location and type of utilities serving the lot(s);
  - i. Wetlands delineation;
  - j. The name of the owner and all parties having any interest in the lot(s), including book and page numbers of the documents at the Registry of Deeds which describe such an interest;
  - k. All easements on the lot.
2. A copy of the deed of ownership shall be included with the application.
  3. If the historic structure is to be relocated, the application shall include:
    - a. A map showing the route over which the historic structure or building will be moved;
    - b. A letter from the Police Chief, Fire Chief, Tree Warden of the Town and the Director of Public Works approving the route. It shall be the responsibility of the applicant to contact and obtain approvals (if needed) from utility companies having overhead cables, lines or wires along the route, and from the Massachusetts Highway Department if a state roadway is involved and from the Director of Public Works, Police Chief and Fire Chief of any city or town included on the route. The applicant shall be responsible for any costs associated with police supervision along the route;
  4. A letter from the Andover Preservation Commission, certifying that the structure is an historic structure as defined in this by-law, together with supporting documentation from the Andover Historic Buildings Inventory;
  5. A statement of any additions, alterations or changes proposed to be made to the historic structure.
  6. If the applicant is not the owner of the Parent Parcel or the historic structure that is the subject of the application, the application shall include a letter from the property owners authorizing application on their behalf.

And further that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Andover Code of By-laws, or take any other action related thereto.

On request of the Planning Division and Preservation Commission

### **89- 93 Main Street – Outdoor Restaurant Seating**

**ARTICLE 53.** To see if the Town will vote to authorize the Board of Selectmen to grant the owner of 89-93 Main Street a temporary right to improve, occupy, and maintain, at private cost, an approximately 5300 square-foot strip of land along the southeasterly lot line of the Town's public parking lot at 85 Main Street, for purposes of landscaping, outdoor restaurant seating, and access to a new public pedestrian path across 89-93 Main Street to the Andover Historical Society at 97 Main Street, as shown on the attached diagram, on such terms and conditions as the Board deems in the best interests of the Town, or take any other action related thereto.

On petition of John W. Fenton and others



### **Zoning Bylaw Amendment – Haverhill Street & Tantallon Road**

**ARTICLE 54.** To see if the Town will vote to amend the Andover Zoning Bylaw pursuant to section 2.3 (District Boundaries) and 2.3.1 (Map Amendments) and make the appropriate changes to the Zoning Map of the Town of Andover to rezone to General Business (GB) from Industrial A (IA) the parcels of land designated by the Town of Andover as 10, 12 and 16 Haverhill Street and 7 Tantallon Road and comprising Assessor's Parcels 5, 5A, 6 and 7 on Assessor's Map 35 and being more particularly shown on a plan entitled "Area to be Re-Zoned from IA to GB Zone" in Andover, Mass., dated January 2015, a copy of which is on file with the office of the Town Clerk, or take any other action related thereto.

### **Water & Sewer Vehicles**

**ARTICLE 55.** To see if the Town will vote to transfer \$55,000 from water reserves and appropriate the sum of \$55,000 for the purpose of purchasing water vehicles or to take any other action related thereto.

On request of the Director of Municipal Services

### **Water Main Replacement Projects**

**ARTICLE 56.** To see if the Town will vote to raise by borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$1,700,000 for the purpose of paying costs of water main replacement projects, and for the payment of all other costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Municipal Services

### **Water Treatment Plant GAC Replacement**

**ARTICLE 57.** To see if the Town will vote to raise by borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$500,000 for the purpose of paying costs of replacing granulated activated carbon at the water treatment plant, and for the payment of all other costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Municipal Services

## **Water Treatment Plant Maintenance**

**ARTICLE 58.** To see if the Town will vote to appropriate the sum of \$300,000 in the Water Enterprise Fund for the purpose of paying various maintenance costs relating to the water distribution system and the Water Treatment Plant, including any other costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Municipal Services

## **Gas Pipeline Resolution**

**ARTICLE 59.** To see if the Town will vote to approve the following Resolution to ban the Northeast Energy Direct pipeline project and to Support Sustainable Energy in the Commonwealth of Massachusetts.

NOW, THEREFORE, BE IT RESOLVED that the citizens of the Town of Andover, Massachusetts:

1. Hereby commend our Town Manager and Selectmen for their efforts to re-route the proposed Tennessee Gas Pipeline company's high-pressured pipeline through Andover.
2. Believe that the proposed pipeline goes against current Commonwealth of Massachusetts and Andover commitments to renewable energy technologies and combating global climate change; and
3. Call upon businesses and residents to maximize energy conservation to reduce demand; call upon utilities and the state to actively reduce peak demand shortfalls through pricing and backup storage options; and call upon the state to continue to aggressively promote adoption of renewable energy technologies.
4. Demand that the Commonwealth require and oversee the repair to all existing gas pipelines prior to and as a condition of allowing expansion of gas supply pipelines, and give preference to incremental expansion of existing pipelines and to short-term solutions such as liquefied natural gas prior to any consideration of building new pipeline infrastructure in the State
5. Hereby request our State and Federal Legislators and our Executive Branch Officials to enact legislation, and take such other and further actions, as is necessary to disallow such projects that go against our commitments to life, the environment, our economic well-being and our personal health and safety; and, instead, to legislate more stringent energy efficiency and further exploration of, and subsidies for, renewable energy sources; and also:

BE IT RESOLVED that the following individuals receive an Official Copy of This RESOLUTION:

*President Barack Obama*  
*United States Senator Elizabeth Warren*  
*United States Senator Edward Markey*  
*United States Representative Seth Moulton*  
*United States Representative Niki Tsongas*  
*Governor Charlie Baker*  
*Massachusetts Senator Barbara L'Italien*  
*Massachusetts Representative James Lyons*  
*Massachusetts Representative Frank Moran*  
*All five Commissioners of the Federal Regulatory Commission*

On petition of John P. Hess and others

### **Finish Charles Circle for Street Acceptance**

**ARTICLE 60.** To see if the Town will vote to authorize the Board of Selectmen to acquire by eminent domain, gift, purchase or otherwise any fee, easement or other interest in the street known as Charles Circle and all related easements as shown on a plan entitled "Subdivision Plan of Land in Andover, Mass. entitled Charles Circle," Applicant/Owner Wayne T. Samuels, dated August 1, 2003, rev. July 19, 2004, prepared by Merrimack Engineering Services and recorded in North Essex District Registry of Deeds as Plan No. 15020, and on file in the Office of the Town Clerk, and to award no damages for said taking or payment for said acquisition, and to appropriate and raise by taxation, transfer from available funds or borrowing or any combinations thereof the sum of \$80,000 for required engineering services, repairs and improvements to the street known as Charles Circle as shown on said Subdivision Plan and described in the Decision of the Andover Planning Board dated March 9, 2005 and recorded with the North Essex District Registry of Deeds in Book 9390, Page 197 and legal services and expenses incidental thereto, or take any other action related thereto.

On petition of Joseph Ciampa and others

### **Residential Neighborhoods – Town Yard**

**ARTICLE 61.** That the Town of Andover shall not develop land in or around a residential neighborhood now in its possession nor land that may be later acquired, for the purpose of creating a facility or purpose that degrades or diminishes the quality of life, the quiet enjoyment of the homes or creates a situation whereby the value of homes situated thereby are adversely affected. This includes, but is not limited to, so-called Town yard buildings, storage areas, dump sites and related and associated activities.

On petition of Jose Albuquerque and others

### **Sidewalk Construction – River Street**

**ARTICLE 62.** To see if the town will vote to appropriate the sum of \$301,000 for the purpose of constructing a sidewalk from 53 River Street to 83 River Street connecting the existing sidewalks on either end, including any other costs incidental and related thereto, and to authorize the Board of Selectmen to acquire any necessary easements by gift, purchase or eminent domain and that to raise this appropriation, the Treasurer, with the approval of the Board of Selectmen be authorized to borrow under and pursuant to Chapter 44, Section 7, Clause (6) of the General Laws or any other enabling authority, and to issue bonds or notes of the Town, or take other action related thereto.

On petition of Susan K. Davis and others

Ronald Bertheim, Constable